

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

James A. Haney, Jr.,

Case No. 1:14 CV 1495

Petitioner,

MEMORANDUM OPINION  
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Christopher LaRose,

Respondent.

On July 8, 2014, *pro se* Petitioner James Haney, a prisoner in state custody, filed a habeas corpus Petition under 28 U.S.C. § 2254 (Doc. 1). He challenges his convictions for fraud and aggravated theft in the Lake County Court of Common Pleas.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground the custody violates the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). A petitioner must exhaust all available state remedies. 28 U.S.C. § 2254(b).

The Petition reflects that Petitioner has an appeal pending in the Ohio Supreme Court, in which he seeks to raise the same grounds set forth in this case. *State v. Haney*, Ohio Sup. Ct. No. 2014-0900. Thus, the Petition is premature because Petitioner has not yet exhausted state court remedies to preserve such a claim.

Accordingly, the Petition (Doc. 1) is denied, and this action is dismissed without prejudice under Rule 4 of the Rules Governing Section 2254 Cases. This Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Federal Appellate Rule 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

July 10, 2014